THE HON'BLE SMT. JUSTICE T. MEENA KUMARI

W.P. No. 30927 of 1997

O R D E R:

The present writ petition has been filed against the Award dated 10.1.1997 made by the Industrial Tribunal in I.D. No. 89 of 1994 allowing the claim of 1st respondent for fixation of his seniority from the date of his initial appointment.

The case of the petitioner is that the 1st respondent was appointed as Conductor on contract basis under Regulation 17 of the A.P.S.R.T.C. Employees (Recruitment) Regulations, 1966 on different spells depending upon the need, and therefore the 1st respondent is not entitled by reason only of such appointment to any preferential claim to future appointment to such post or category of posts and therefore he had no right to the post prior to his regularization with effect from 1.8.1985. Further, there was break in service from 1.7.1983 to the date of his re-appointment by the order dated 28.9.1983 and therefore the question of his regularization from the date of his initial appointment on contract basis on 26.4.1983 does not arise.

Heard. In the light of the contentions advanced by the learned counsel for the parties, this Court perused the material available on record including the award passed by the Tribunal. A

perusal of the same discloses that the 1st respondent was appointed under Regulation 17 of the Employees (Recruitment) Regulations, 1966 of APSRTC from 26.4.1983 and his services were terminated from 28.8.1983. Again the 1st respondent and others were appointed as temporary conductors with effect from 1.8.1985 under Regulation 17. The contention of the petitioner is that earlier the 1st respondent was appointed only on contract basis. The contention of the 1st respondent is that he is entitled for regularization of services from 29.8.1983 from which date he has been working continuously, though on contract basis, but not from 17.8.1985.

According to Regulation 3 of Service Regulations, 1964 the seniority of a person in services, class, category or grade shall unless he has been reduced to a lower rank as a punishment, be determined by the date of his first appointment to such services, class, category or grade. If any portion of the services of such person does not count towards probation, his seniority shall be determined by the date of commencement of his service which counts towards probation. Having regard to the facts and circumstances and having regard to the fact that on both the occasions the 1st respondent was appointed under Regulation 17 of the Employees (Recruitment) Regulations, 1966, the Tribunal has rightly relied upon Regulation 18 of the Employees (Recruitment) Regulations, 1966 in coming to the conclusion that the services of the 1st respondent are to be

regularized from 29.8.1983.

I find no merit in this writ petition. It is accordingly dismissed.

T. MEENA KUMARI, J.

Date: 26-09-2007.

MVB.